

UNAPPROVED

BOARD OF DENTISTRY

**MINUTES
FORMAL HEARING**

TIME AND PLACE: A meeting of the Virginia Board of Dentistry convened on March 23, 2007, at 9:23 a.m. at the Department of Health Professions, Richmond, Virginia.

PRESIDING: James D. Watkins, D.D.S.

MEMBERS PRESENT: Jeffrey Levin, D.D.S.
Darryl J. Pirok, D.D.S.
Misty L. Sissom, R.D.H.
Millard D. Stith, Jr.
Glenn A. Young, D.D.S.

MEMBERS EXCUSED: Meera A. Gokli, D.D.S.
Jacqueline G. Pace, R.D.H.
Edward P. Snyder, D.D.S.
Paul N. Zimmet, D.D.S.

STAFF PRESENT: Sandra K. Reen, Executive Director
Cheri Emma-Leigh, Operations Manager
Cynthia E. Gaines, Adjudication Specialist

COUNSEL PRESENT: Amy Marschean, Assistant Attorney General

OTHERS PRESENT: William Clay Garrett, Assistant Attorney General
Comiller T. Boyd, Court Reporter, Crane-Snead and Associates

QUORUM: With six members present, a quorum was established.

**STEVEN R. LUBBE, D.D.S.
Case No. 96938** Steven R. Lubbe, D.D.S. appeared with counsel, Irving M. Blank, Esq., to discuss allegations that he may have violated laws and regulations governing the practice of dentistry, in that, on or about April 16, 2004, he may have used excessive force in restraining Patient A, a child, when the patient became upset during a procedure. Prior to selecting the course of treatment and the method of anesthesia/sedation for removing retained root tips during the April 16, 2004 office visit, Dr. Lubbe failed to obtain consent from the parent before treating the patient beyond placement of spacers. Dr. Lubbe chose to remove the

retained root tips without input from the parent and without sedation, thus necessitating the need for restraint. Additionally, Dr. Lubbe failed to consult with the parent related to the means of restraint to be used in performing the procedure. Later that day, the patient was seen by a practitioner who noted bruising and an erythema petechia rash on the patient's cheeks, across the nose, and on the front of the neck.

As a preliminary matter, the Board received copies of colored photos of Patient A.

The Board received testimony on behalf of the Commonwealth from Jennifer Challis, Senior Investigator.

The Board received Dr. Lubbe's testimony and discussed the evidence in the case with him.

Closed Meeting:

Ms. Sissom moved that the Board convene a closed meeting pursuant to § 2.2-3711 (A) (28) of the Code of Virginia to deliberate in reaching a decision in the matter of Steven R. Lubbe, D.D.S. Additionally, Ms. Sissom moved that Board Counsel, Amy Marschean, and Board staff, Sandra Reen attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

Reconvene:

Ms. Sissom moved to certify that only public matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. The motion was seconded and passed.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Decision:

Ms. Marschean read the Findings of Facts as adopted by the Board as follows:

1. Dr. Lubbe currently holds a current Virginia dental

license;

2. On or about April 16, 2004, Dr. Lubbe treated Patient A, a child. There was not clear and convincing evidence that excessive restraint was used.

Ms. Marschean reported that the Board determined that a violation of the Board's statutes and regulations was not established by clear and convincing evidence, and therefore, the case is dismissed. Dr. Pirok moved to adopt the decision of the Board. The motion was seconded and passed.

ADJOURNMENT:

With all business concluded, the Board adjourned at 11:38 a.m.

James D. Watkins, D.D.S., Presiding Chair

Sandra K. Reen, Executive Director

Date

Date